

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Final Official Action provided. Applicants also note that the Examiner has not indicated that the drawings have been approved by the Official Draftsperson on a Form PTO-948. The Examiner is thus requested to indicate that Applicants' drawings are acceptable in the next Official Action.

Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter in claims 1-5 and 8-20.

Claims 1-5 and 8-21 are currently pending. Applicants respectfully request reconsideration of the outstanding rejection and allowance of claims 1-5 and 8-21 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over HOGAN (U.S. Patent No. 5,212,955) in view of SEARLE (U.S. Patent No. 4,838,026).

However, Applicants note that HOGAN and SEARLE fail to teach or suggest the subject matter claimed in claim 21. In particular, claim 21 sets forth an icemaker in a refrigerator including, inter alia, an ice tray, an ejector, and "a dropper having a sloped surface covering a part of an upper part of the ice tray, the dropper with no gap through which the ejector passes so that water in the ice tray is prevented from overflowing through the dropper". Accordingly, in Applicants' claimed invention, the dropper covers a portion of the upper part of the ice tray and simultaneously prevents passage of the ejector through the

dropper. Moreover, the absence of gaps in the dropper in Applicants' claimed invention prevents water in the ice tray from overflowing the upper part of the ice tray through the dropper.

The HOGAN icemaker includes an ejector and a dropper, with the dropper having gaps therein to allow passage of the ejector therethrough. As recognized by the Examiner, the HOGAN patent fails to teach or suggest an icemaker including "a dropper having a sloped surface covering a part of an upper part of the ice tray, the dropper with no gap through which the ejector passes so that water in the ice tray is prevented from overflowing through the dropper" as set forth in claim 21.

The SEARLE patent is directed to an icemaker including a stripper member 22. As described in column 3, lines 21-26, the "stripper member 22 is made of a single plastic molded part and has spaced apart tooth spaced projections 23 on one side projecting above the mold toward the center of the mold and the other side has a downwardly declining portion 27". Therefore, the stripper member 22 of SEARLE includes a first portion having spaced apart projections and a second downwardly declining portion 27. See also figure 1. Additionally, as described in column 6, lines 44-49, the "projections 23 are spaced from each other a distance sufficient to allow the projections 25 of the ejector 20 to pass therebetween during its rotational movement. The portion 27 of the stripper member 22 has a surface 54 downwardly declining in a direction away from the mold 12". Clearly, then, the portion of the stripper member 22 having the projections 23 includes gaps between the projections. It is apparent

that water may overflow through these gaps between the projections 23. Accordingly, since the stripper member 22 includes gaps, the stripper member 22 is not a “dropper with no gap through which the ejector passes so that water in the ice tray is prevented from overflowing through the dropper” as set forth in claim 21.

Further, it appears that the declining portion 27 of the stripper member 22 contains no gaps. However, in the SEARLE device, it is the portion of stripper member 22 containing the projections 23 that is positioned over the ice tray; and the portion of the stripper member 22 containing the projections 23 around which the ejector rotates to eject the pieces of ice. Accordingly, it is the portion of the stripper member 22 that contains the projections 23 (and not the declining member 27) that corresponds to Applicants’ claimed dropper. Moreover, as clearly shown in the figures, especially figures 3-8, the declining portion 27 of the stripper member 22 is positioned at the side of or in front of the ice tray. The declining portion 27 is not positioned so as to cover an upper part of the ice tray. The declining member 27 merely receives the ice pieces after the ice pieces have been ejected. Accordingly, the declining member 27 by itself can not fairly be read as a “dropper having a sloped surface covering a part of an upper part of the ice tray” as set forth in claim 21. Thus, neither the entire stripper member 22 nor the declining portion 27 may fairly be read as a dropper as claimed in Applicants’ application. Therefore, the SEARLE patent fails to cure the deficiencies of the HOGAN device, and even assuming, arguendo, that the

teachings of HOGAN and SEARLE have been properly combined, Applicants' claimed icemaker would not have resulted from the combined teachings thereof.

Further, there is nothing in the cited prior art that would lead one of ordinary skill in the art to make the modification suggested by the Examiner in the rejection of claim 21 under 35 U.S.C. § 103(a) over HOGAN in view of SEARLE. Thus, the only reason to combine the teachings of HOGAN and SEARLE results from a review of Applicants' disclosure and the application of impermissible hindsight. Accordingly, the rejection of claim 21 under 35 U.S.C. § 103(a) over HOGAN in view of SEARLE is improper for all the above reasons and withdrawal thereof is respectfully requested.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of claims 1-5, and 8-21.

#### SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present amendment is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in claims 1-5 and 8-21.

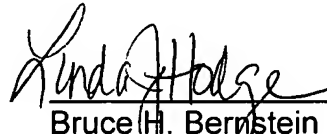
Accordingly, consideration of the present amendment, reconsideration of the outstanding Final Official Action, and allowance of all of the claims in the present application are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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